SH2285757

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Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 12/28/11	Bureau/Station/Facility: FORII/Century Station	Admin. Invest.? ☐ Hit? ☐

Incident Information

URN: 011-04752-2140-055	Date: 03/29/11	Time: 0123 hours

City or Station: Los Angeles

Location: Rear of [redacted] S. Figueroa Street

Nature of Incident: Deputies Lemus and Cwierz were following a reported stolen vehicle. The vehicle drove northbound into an alley behind [redacted] S. Figueroa Street then westbound onto 118th Street. The vehicle stopped and the suspect fled eastbound toward the same alley they drove through. The suspect fired one shot. Deputies Lemus and Cwierz went into foot pursuit. Deputy Lemus saw the suspect pointing his weapon in their direction. Fearing for their safety, Deputy Lemus fired two rounds. The suspect fired two to three rounds. Deputy Lemus then fired three additional rounds. A containment was setup and the suspect was not found, however, his cellphone was recovered. Further investigation revealed a positive I.D. of Suspect Bangs.

Location Type (*circle one or more*):
Backyard
Beach
Business
Freeway
Industrial
Park
Parking Lot
Residence
Rural
School
Street
Other: Alley

Lighting (*circle only one*):
Darkness (circled)
Daylight
Other
Street Lights

Weather (*circle only one*):
Clear (circled)
Cloudy
Fog
Rain

Distance: 35-40 yards

Incident Type (*circle one or more*):
Accidental
Armed Person (circled)
Fleeing Suspect (circled)
Foot Pursuit (circled)
Gun Take Away
Moving Vehicle
Sniper/Ambush
Startle
Struggle Involved
Traffic Stop
Unarmed Person
Unintentional
Vehicle Pursuit
Warrant Service
Warning Shot
Other: ______

Initiated by (*circle only one*):
Arrest Warrant
Call
Observation (circled)
One Person Unit
Other
Search Warrant
Two Person Unit (circled)

Prior Activity (*circle only one*):
Detective
Inmate Transport
Other
Routine Patrol (circled)

Aero Unit? ☒ Canine Unit? ☒

Total # of Shots Fired by Deputy: 5

Total # of Shots Fired by Suspect: 3

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Cwierz	Byron	R.	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph
Last Name		First Name		M.I.
Street Address	City	Zip Code	Work Ph	Home Ph

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	[redacted]	[redacted]	[redacted]	**On Duty** (circled); Present during shooting; Witness to shooting; Involved in shooting
				On Duty; Present during shooting; Witness to shooting; Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sum	David	C.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Strange	Steven	NMN

PSTD Use Only

SH # ______

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
03/29/11	0415	01-03-12	

Employee #	Last Name	First Name	M.I
[redacted]	Ruiz	Maria	T.
[redacted]	Quichocho	Frank	F.
[redacted]	[redacted]	[redacted]	[redacted]

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	
S#1	E#1	FH	ZZ	WW			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 011-04752-2140-055

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Lemus	Victor	M.

Sex:	Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
M	Hispanic	Deputy Sheriff	Century Station	213F

ShiftTime (*circle only one*): (EM circled) PM Day
ShiftType (*circle only one*): (Regular circled) Overtime Off Duty
Intoxication/Drug Usage? ☐
Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case #: Interviewed? ☒

Hrs of sleep prior to shooting: 8
Duty Time (hrs): [redacted]
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)
Other Factors:
Age: [redacted] Height: 509 Weight: 170

Range Qualification Date: [redacted] PPC Qualification Date: [redacted] Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] Patrol Certification? [redacted] Certification Unit: [redacted] Prior Shootings? ☒ Number of Prior Shootings: 1 Directed Force: [redacted]

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots
Beretta	9mm	5			

Field Training Officer Emp #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

E__

Employee #	Last Name	First Name	M.I.

Sex: Race: Rank Unit Assignment: Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day
ShiftType (*circle only one*): Regular Overtime Off Duty
Intoxication/Drug Usage? ☐ Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case # Interviewed? ☐

Hrs of sleep prior to shooting: Duty Time (hrs):
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest
Other Factors:
Age: Height: Weight:

Range Qualification Date: PPC Qualification Date: Laser Training Date:

Certified with Weapon Used? ☐ Patrol Certification? ☐ Certification Unit: Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.

Sex: Race: Rank Unit Assignment: Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day
ShiftType (*circle only one*): Regular Overtime Off Duty
Intoxication/Drug Usage? ☐ Substance Used:

Hospital Admission? ☐ Hospital Name: Coroner Case? ☐ Coroner Case # Interviewed? ☐

Hrs of sleep prior to shooting: Duty Time (hrs):
Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest
Other Factors:
Age: Height: Weight:

Range Qualification Date: PPC Qualification Date: Laser Training Date:

Certified with Weapon Used? ☐ Patrol Certification? ☐ Certification Unit: Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐

Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand:	Caliber	# Shots

Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 011-04752-2140-055

Suspect Information

S 1

Last Name: Bangs		First Name: Nathaniel	M.I.: Y.
AKA Last Name: Yaya		First Name:	M.I.:
Sex: M Race: Black	Street Address: [redacted]	City: [redacted]	State & Zip Code: Ca [redacted]
Work Phone: [redacted]	Home Phone: [redacted]	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 21 D.O.B. 04-04-89	Height: 508 Weight: 150	FBI #: [redacted]	CII #: [redacted]
Booking #: 2691927	Primary Charge: 664/187P.C.	Secondary Charge: 10851(A)V.C.	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Chevy		Model: Monte Carlo	Year: 2004

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

See Other Side

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Cwierz	Byron	R.	11703 South Alameda Street, Lynwood	90262	323 568-4800	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON-HIT

UNIT: Century Sheriff's Station
DATE: March 29, 2011, Tuesday
TIME: 0123 hours
LOCATION: The alley behind [redacted] S. Figueroa Street, Los Angeles 90044
FILE #: 011-04752-2140-055
IAB#: SH2285757

NATURE OF INCIDENT:

On Tuesday, March 29, 2011, Lieutenant [redacted] and Sergeants Teri Ruiz and Frank Quichocho of the Internal Affairs Bureau responded to the command post at 117th Street and Figueroa Street in Los Angeles to investigate an on-duty deputy involved non-hit shooting. Office of Independent Review Attorney Walter Katz also responded. Century Station Detective Daniel White (Employee # [redacted] briefed the responding investigators.

The shooting incident involved Century Station Deputies Victor Lemus (Employee # [redacted], Byron Cwierz (Employee # [redacted] and Suspect Nathaniel Bangs (MB/04-04-89).

At approximately 0124 hours, Deputy Cwierz (driver) and Deputy Lemus (bookman) were traveling southbound Figueroa Street at 119th Street when they noticed a group of individuals in front of [redacted] W. 119th Street. They drove west on 119th Street, illuminated them, then proceeded to Denver Avenue.

While stopped at the stop sign at Denver Avenue, they saw a 2004 Silver Monte Carlo (CA license# [redacted] with tinted windows stopped in the northbound lane of Denver Avenue, approximately one hundred feet south of 119th Street. The Monte Carlo then traveled northbound Denver Avenue and initiated a quick, hard turn onto eastbound 119th Street.

Deputy Cwierz made a U-turn, caught up to the Monte Carlo and obtained the license plate number. Deputy Lemus entered it into the MDT (Mobile Digital Terminal) to

obtain a check through DMV (Department of Motor Vehicles). The computer check revealed the Monte Carlo had been reported stolen four days prior out of the Century Station area.

The Monte Carlo turned northbound into a north/south alley behind [redacted] S. Figueroa Street then turned westbound 118th Street when Deputy Lemus requested emergency clearance to advise other patrol units that they were going to be detaining a 10-29V.

IAB Note: For Deputy Lemus' emergency radio traffic on Dispatch 4, refer to Exhibit F.

The Monte Carlo suddenly stopped in front of [redacted] W. 118th Street. The suspect exited the vehicle and began running eastbound. Deputy Lemus advised over the radio that the suspect was running. Deputy Cwierz stopped their vehicle behind the Monte Carlo and they exited their patrol car with their weapons drawn. Both deputies saw the suspect holding a firearm while running eastbound on the sidewalk toward the same alley they had just driven through. As the deputies began to follow, they heard a gunshot. They took cover along the driver's side of a grey van that was parked in the street in front of [redacted] W. 118th Street.

IAB Note: For the photo where Deputies Lemus and Cwierz took cover, refer to Exhibit B, #6.

Deputy Cwierz was positioned behind Deputy Lemus. Deputy Lemus slowly started to "slice the pie" to locate the suspect as he approached the alley.

IAB Note: For a copy of the Foot Pursuit Evaluation Form, refer to Exhibit C.

As Deputy Lemus entered the alley from the westside, near the second or third wood pillar, he saw the suspect approximately thirty-five to forty yards in front of him, blading his body to the right and pointing the handgun in their direction with his right hand. Deputy Lemus feared for his and Deputy Cwierz' safety and fired two rounds from his Department issued Beretta 92F 9mm handgun.

IAB Note: For a photo of the alley from 118th Street southbound to 119th Street, refer to Exhibit B, #8.

IAB Note: For a copy of the Crime Lab's Evidence List and the sketch of the area depicting the location of shell casings #2 through #6, refer to Exhibit D.

IAB Note: For the location of Deputy Lemus' first two shell casings (Ev. 2, 3), refer to Exhibit B, photo #8.

IAB Note: Deputy Lemus indicated as he shot southbound through the alley, the backdrop was a carport area located at the end of the alley just south of 119th Street. Refer to Exhibit B, photo #12.

The suspect fired two to three more rounds in the deputies' direction and continued running. As Deputy Lemus moved south along the west side of the alley, he returned fire and shot three additional rounds at the suspect who was approximately forty to fifty yards further south in the alley. The suspect then fled westbound 119th Street and out of view.

IAB Note: For the location of Deputy Lemus' shell casings #3, 4, 5 (Ev. 4, 5, 6), refer to Exhibit B, photo #11.

Deputies Lemus and Cwierz moved to the carport area on the east side of the alley and took tactical cover behind the parked vehicles.

IAB Note: To view the carport area, refer to Exhibit B, photo #8.

After they determined they were not injured, Deputy Cwierz ran back to the patrol car to utilize it for the containment. As Deputy Lemus moved southbound in the alley, he began to set up a containment over the radio.

Deputy Cwierz drove the patrol car southbound through the alley then westbound 119th Street to take a position at 119th Street and Denver Avenue for the containment. Deputy Lemus took cover behind parked vehicles at the northwest corner of 119th Street and Figueroa Street. An LAPD unit arrived at his location within forty seconds.

A containment was established by assisting units. Several canine units arrived and searched for the suspect, including a human scent dog. Two explosive scent dogs responded to check the area for a firearm. The suspect was not located nor were the dogs able to find any evidence of a firearm or ammunition.

No Department members were injured during this incident.

A sweatshirt matching that of the suspect and a cell phone were found in the front of [redacted] W. 119th Street. Further investigation of the cell phone lead investigators to the

owner, Nathaniel Bangs. Investigators conducted a mug show-up with Deputies Lemus and Cwierz who positively identified Bangs as the suspect in this incident. Investigators from Century Sheriff's Station arrested Suspect Bangs several days after the incident.

> **IAB Note: For further details, refer to Exhibit A for a copy of the incident report (File# 911-04752-2140-055) dated 03-29-11 written by Deputy Lemus on his Use of Force.**

> **IAB Note: For further details, refer to Exhibit A for a copy of deputy personnel's supplementary reports.**

The following review is based on written documentation and the involved deputies' interviews.

INVOLVED PERSONNEL:

LEMUS, Victor M. - Deputy Sheriff, Employee #[redacted]
Field Operations Region II
Century Sheriff's Station

EMPLOYEE WORK HISTORY:

Date of Employment:	07-01-03
Date Assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incident(s):	11-08-10
Prior Founded Force Incidents:	[redacted]

INVOLVED SUSPECTS:

BANGS, Nathaniel Yaya, MB/21, Booking #2691927, DOB: 04-04-89
[redacted]
Booking Charges: 664/187 P.C.10851(A)V.C., 3056P.C.
CII: [redacted] CDL: [redacted] FBI: [redacted] Main: [redacted]

Involved Suspect Criminal History:

[redacted] Refer to the RAPS printout

included under **Exhibit A**.

DEPARTMENT EMPLOYEE WITNESSES:

CWIERZ, Byron R. - Deputy Sheriff, Employee #[redacted]
Field Operations Region II
Century Sheriff's Station

NON-DEPARTMENT WITNESSES:

None.

INJURIES:

None.

PHYSICAL EVIDENCE:

Suspect's vehicle - 2004 Chevy Monte Carlo, Gray, 2 door.
Blackberry cell phone.
Greyish hooded sweatshirt.
5 cartridge casings, 9mm, Winchester Luger from Deputy Lemus' weapon.

INVESTIGATOR'S OBSERVATIONS:

(Refer to Exhibit B for crime scene photographs)

The patrol vehicle (in the street in front of [redacted] W. 118th Street) depicted in the photos is the approximate area where Deputy Cwierz stopped the vehicle prior to he and his partner exiting and initiating a foot pursuit. Deputy Cwierz moved the patrol car for containment purposes prior to the arrival of LASD investigators.

A 2004 Chevy Monte Carlo, Gray, 2 door, was parked facing in a south westerly direction with its left front tire against the curb of [redacted] W. 118th Street.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Lemus

Weapon Type:	On-duty Pistol, Beretta 92F
Rounds Fired:	5
Type of Ammunition Used:	Department Authorized 9mm.
Date Employee Last Qualified:	[redacted] (Beretta 92F 9mm)

Refer to Exhibit E for Deputy Lemus' shooting and employee training records.

WEAPON USED BY SUSPECTS:

Unknown firearm.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Detective Daniel White #[redacted]

Court: Compton **Case#:** TA117529

Charges Filed: 2 counts of 664/187(a)P.C. - Attempted Murder

Conviction date: August 8, 2011

LIGHTING AND WEATHER CONDITIONS:

The lighting was dark with carport lights in the area. The weather was cool and clear.

INVOLVED EMPLOYEE STATEMENTS:

DEPUTY VICTOR LEMUS, Employee#[redacted] was interviewed on April 19, 2011, by Internal Affairs Bureau Sergeant Teri Roberts. Deputy Lemus was represented by Green & Shinee, Attorney Audra Call. The interview took place at Internal Affairs Bureau and was digitally recorded. The following is a summary:

Deputy Lemus stated he and Deputy Cwierz were in their patrol car westbound 119th Street and had stopped at the stop sign at Denver Avenue. They observed a grey Monte Carlo with tinted windows traveling northbound Denver Avenue and initiate a quick, hard turn onto eastbound 119th Street. Deputy Cwierz made a U-turn and caught up to the Monte Carlo within thirty to forty feet. Deputy Lemus obtained the license plate number of the vehicle and entered it into the MDT (Mobile Digital Terminal) to obtain a check through DMV (Department of Motor Vehicles) for the registered owner.

While driving eastbound 119th Street behind the Monte Carlo, their attention was drawn to two males that were standing near a car in the driveway of [redacted] West 119th Street, which is [redacted] houses [redacted] of a north/south alley.

The Monte Carlo then turned left into the alley and began traveling northbound. They followed from a distance of thirty to forty feet behind the Monte Carlo into the alley.

While driving in the alley, SCC (Sheriff's Communication Center) advised them that the Monte Carlo was a stolen vehicle. As the Monte Carlo turned left (westbound) onto 118th Street and started to come to a stop, Deputy Lemus requested emergency clearance to advise other patrol units that they were going to be detaining a stolen vehicle. The driver of the Monte Carlo stopped his vehicle on the south curb line in front of [redacted] W. 118th Street. He exited his vehicle and began running eastbound on the south sidewalk. Within three seconds after the suspect exited his vehicle, Deputy Lemus saw the suspect holding a dark colored handgun in his right hand.

Deputy Cwierz stopped the patrol car behind the Monte Carlo and they exited their car with their weapons drawn. Deputy Lemus exited the passenger side and took three to five steps (approximately ten feet) toward the rear of the patrol car when he saw the suspect running into the same alley they had just driven through. Deputy Lemus then heard a gunshot. He and Deputy Cwierz took cover in the driver's side area of a grey van that was parked in the street along the south curb line of [redacted] W. 118th Street.

Deputy Lemus ran in a southeasterly direction toward the alley. Deputy Cwierz was positioned behind Deputy Lemus. Deputy Lemus slowly started to "slice the pie" to locate the suspect as he approached the alley. As Deputy Lemus entered the alley from the west side, near the second or third wood pillar, he saw the suspect approximately thirty-five to forty yards in front of him, blading his body to the right and pointing the handgun in their direction with his right hand. Deputy Lemus feared for his and Deputy Cwierz' safety and fired two to three rounds from his Department issued Beretta.

The suspect fired two to three rounds in their direction then turned his body and ran to a full sprint. Deputy Lemus saw the muzzle flashes. As Deputy Lemus moved south along the west side of the alley, he returned fire and shot two to three additional rounds at the suspect who was approximately forty to fifty yards further south in the alley. The suspect then fled westbound 119th Street.

Deputies Lemus and Cwierz moved out of the line of fire and ran to the carport area on the east side of the alley and took cover behind the parked vehicles. They did not move more than twenty-five to thirty yards into the alley from 118th Street, and did not go beyond the wrought iron fencing on the east side of the alley just past the telephone pole.

> **<u>IAB Note:</u> To view the area around the wrought iron fencing, refer to Exhibit B, photo #9.**

Deputy Lemus stated he and Cwierz asked each other if they were okay. They both

were fine. Deputy Cwierz ran to the patrol car as Deputy Lemus ran southbound through the alley. Deputy Lemus broadcasted their location and set up a containment over the radio.

Deputy Cwierz drove the patrol car southbound through the alley and turned right at 119th Street to take a position at 119th Street and Denver Avenue for the containment. Deputy Lemus took cover behind parked vehicles at the northwest corner of 119th Street and Figueroa Street. Deputy Lemus stated thirty to forty seconds lapsed between the time he last saw the suspect and the time he took cover behind the vehicles. He indicated an LAPD unit arrived at his location within forty seconds.

> **IAB Note: During Deputy Lemus' interview, he indicated Deputy Cwierz turned "left" at 119th Street to take a containment position at 119th Street and Denver Avenue. Deputy Lemus intended to say Deputy Cwierz turned "right" to take a containment position at 119th Street and Denver Avenue.**

A containment was initiated and the suspect was not located. Deputy Lemus did not sustain any injuries as a result of this incident.

> **IAB Note: Refer to a copy of Deputy Lemus' transcribed interview for further details.**

DEPARTMENT WITNESS STATEMENTS:

DEPUTY BYRON CWIERZ was interviewed on April 19, 2011, by Internal Affairs Bureau Sergeant Teri Roberts. Deputy Cwierz was represented by Green & Shinee, Attorney Audra Call. The interview took place at the Internal Affairs Bureau and was digitally recorded. The following is a summary:

Deputy Cwierz stated he and his partner Deputy Lemus were driving southbound Figueroa from 118th Street when they saw a group of individuals in the street in front of [redacted] W. 119th Street. They drove west on 119th Street, illuminated them, then proceeded to Denver Avenue. While stopped at the intersection, Deputy Cwierz looked to the left and saw a car stopped with its headlights on approximately one hundred feet away. The car was in the northbound lane of Denver, offset from the east curb line and south of 119th Street. The car then turned right onto eastbound 119th Street. Deputy Cwierz was unable to see the driver or the occupants in the vehicle due to the tinted windows.

Deputy Cwierz made a u-turn and provided the license plate number to Deputy Lemus who entered it into the MDT (Mobile Digital Terminal) to obtain the vehicle information.

The car turned north into a north/south alley and the deputies followed in their patrol car. The computer check of the vehicle revealed the vehicle was reported stolen several days prior. As the vehicle then turned west onto 118th Street, Deputy Cwierz noticed the stolen vehicle had stopped along the south curb line in front of [redacted] W. 118th Street. Deputy Lemus broadcasted over the radio that they were going to be detaining a stolen vehicle when he saw the driver's door open.

> **<u>IAB Note</u>: During Deputy Cwierz' interview, he said after the computer check of the license plate returned as a stolen vehicle, Deputy Lemus broadcasted over the radio that they were going to be detaining at gunpoint. When reviewing the radio traffic on Dispatch 4, after the computer check of the license plate returned as a stolen vehicle, Deputy Lemus broadcasted over the radio that they "were going to be detaining a 10-29", when they saw the suspect start running.**

When Deputy Cwierz stopped the patrol car several feet behind the suspect's vehicle, he looked up between the two cars (grey van and white SUV) that were parked along the south curb line in front of [redacted] W. 118th Street and saw the suspect holding a firearm in his hand running eastbound on the sidewalk. The suspect was approximately twenty to twenty-five feet from Deputy Cwierz.

Deputy Lemus immediately broadcasted over the air that the suspect was running. Deputy Cwierz said when he exited the driver's door, he removed his weapon from his holster, took a step and briefly illuminated the stolen vehicle with his flashlight to see if there were any other occupants, and saw none.

Deputy Cwierz then heard a gunshot but did not see the muzzle flash. The deputies took cover in the street behind the driver's side of the van that was parked in front of [redacted] W. 118th Street.

Deputy Lemus approached the mouth of the alley in an attempt to get closer to the white concrete wall located on the west side of the alley. Deputy Cwierz followed behind him within ten feet. Deputy Cwierz stated when they reached the mouth of the alley, he saw the suspect running southbound through the alley approximately one hundred to two hundred feet ahead of Deputy Lemus. He saw the suspect turn, look back at them and raise his right arm, pointing the firearm at them.

Deputy Lemus fired two to three rounds. The suspect immediately returned fire and shot three to four rounds from his firearm. While running southbound in the alley, Deputy Lemus fired a couple more rounds. The suspect then ran westbound on 119th Street and out of sight.

Deputy Lemus and Deputy Cwierz then ran to the east side of the alley and took cover behind a black car in the carport area. They checked on each other to ascertain if they were okay.

IAB Note: For the photo where Deputies Lemus and Cwierz took cover behind a black car in the carport area, refer to Exhibit B, #8.

Deputy Cwierz stated they ran no more than approximately fifty feet into the alley. They did not go further than the wrought iron fencing located on the east side of the alley.

Deputy Cwierz then went back to the patrol vehicle and drove it southbound through the alley. He saw Deputy Lemus running southbound in the alley and heard him coordinating the containment via his hand-held radio.

Deputy Cwierz said he drove westbound 119th street, the same direction the suspect fled, and took a position of containment at 118th and Denver. They then waited for assisting units to arrive.

Deputy Cwierz stated he did not fire his weapon because he did not want to hit his partner. He did not sustain any injuries as a result of this incident.

IAB Note: Refer to a copy of Deputy Cwierz' transcribed interview for further details.

NON-DEPARTMENT WITNESS STATEMENTS:

None.

SUSPECT STATEMENTS:

SUSPECT NATHANIEL BANGS, CDC#[redacted]/[redacted] was interviewed on December 12, 2011, by Internal Affairs Bureau Sergeants Teri Ruiz and Frank Quichocho. The interview took place at Delano State Prison and was digitally recorded. The following is a summary:

We introduced ourselves to Mr. Bangs and explained to him the purpose of our visit. He agreed to speak with us. Mr. Bangs stated he pled to a lesser charge on this case for a state prison term of eleven years, but expects to represent himself and appeal his conviction.

Mr. Bangs adamantly denies he was the individual shooting at the deputies on the night of the incident. He stated he was one of the individuals standing in front of [redacted] W. 119th Street prior to the shooting.

Mr. Bangs stated he arrived at the house approximately 11:00 p.m. from school. Around midnight, while walking out of the house to look for his phone in the car (white cadillac parked in the driveway) he saw a patrol car driving eastbound on 119th Street behind a silver Monte Carlo. He figured the patrol car would return and stop him so he decided to turn around and head back into the house. Mr. Bangs then heard a gunshot. He stopped and looked, then ran into the house where he heard several more gunshots and tires screeching.

Mr. Bangs stated a couple of minutes later, the police and sheriffs knocked on the door and asked who ran from the white car. Mr. Bangs stated he had. The deputies then asked everyone to step outside. There were seven males who were patted down and placed in the back seat of patrol cars. Mr. Bangs stated he was patted down and was placed in the back seat of a patrol car for an hour to an hour and a half while they searched the house and ran him on their computer in the patrol car, in addition to FIR'ing him.

> **<u>IAB Note</u>: A check of the Sheriff's Department Communications Center revealed an inquiry for wants and warrants on Nathaniel Bangs was made on March 31, 2011 by Unit 836A, a Parks Bureau unit. For additional information, refer to the printouts in miscellaneous documents.**

> **<u>IAB Note</u>: Century Station nor Parks Bureau had no record of an "FIR" card (Field Investigation Report) completed for Nathaniel Bangs on March 29, 2011.**

Mr. Bangs recalls seeing Deputy Lemus at the house looking at all the males, including him, and tell the Detectives, "No, it's not them."

Mr. Bangs said he was then released along with the others who were detained.
Mr. Bangs indicated he was arrested a few days later.

> **<u>IAB Note</u>: Refer to a copy of Suspect Bangs' transcribed interview for further details.**